

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

DON KING PRODUCTIONS, INC.

Plaintiff

vs

CIVIL 05-1593CCC

JAVIER MARTINEZ, his wife JANE DOE DE MARTINEZ and the conjugal partnership between them, d/b/a "LOS PRIMOS TIRE CENTER,"  
ALCIDES BORRERO-HUERTAS, his wife JANE DOE DE BORRERO and the conjugal partnership between them, d/b/a "MAVI CRIOLLO,"  
WALTER PADILLA, his wife JANE DOE DE PADILLA and the conjugal partnership between them, d/b/a "COLMADO OCHUM,"  
RICARDO MALDONADO-RIOS, his wife JANE DOE DE MALDONADO and the conjugal partnership between them, d/b/a "RICHARD BAKERY,"  
EDGARDO JORDAN-BAEZ, his wife JANE DOE DE JORDAN and the conjugal partnership between them, d/b/a "CAFETERIA LA MANIA,"  
JORGE RIVERA, his wife JANE DOE DE RIVERA and the conjugal partnership between them, d/b/a "ULAS, ULAS, SPORT BAR,"  
ALFONSO JUSINO-ZAYAS, his wife JANE DOE DE JUSINO and the conjugal partnership between them, d/b/a "COLMADO SPORT,"  
MICHAEL RIVERA, his wife JANE DOE DE RIVERA and the conjugal partnership between them, d/b/a "TROPICAL PARADISE,"  
SANTIAGO MORENO-DIAZ, his wife JANE DOE DE MORENO and the conjugal partnership between them, d/b/a "CINDY'S RESTAURANT,"  
EMERITO LUGO-MALAVE, his wife JANE DOE DE LUGO and the conjugal partnership between them, d/b/a "COLMADO EL CAMINO"  
ABC INSURANCE COMPANIES

Defendants

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**DEFAULT JUDGMENT**

On October 31, 2005 Don King Productions, Inc. filed an amended complaint (docket entry 17) against **José Ocasio, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Ocasio d/b/a Los Primos Tire Center; Anastasio Martínez and Antonia Luciano, individually and in representation of the conjugal partnership between them d/b/a Colmado El Camino; and Francisco Cruz, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Cruz d/b/a Cafetería La Manía.** The lawsuit charged the defendants with a violation of Section 705 of the Federal Communications Act of 1934, as amended, 47 U.S.C. §605 (the Statutes).

Upon failure of the above-mentioned defendants to timely file an answer or any other responsive pleading, plaintiff requested the entry of default against them (see docket entry 27). On March 15, 2006 the court entered default against these defendants (see docket entry 28). On July 11, 2006, plaintiff filed a Motion Requesting Judgment by Default, Memorandum of Law in Support thereof and exhibits thereto (**docket entries 29 and 30**).

After careful consideration of the Motion Requesting Judgment by Default, Memorandum of Law in Support Thereof and the attached exhibits, as well as the relevant statutory authority on damages, 47 U.S.C. §605, et seq., the Court FINDS as follows:

Plaintiff established through competent evidence that damages are appropriate as a result of defendants' illegal misappropriation of plaintiff's transmission. The evidence established through Mr. Skip Klauber's affidavits and the investigators Messrs. Adelaida García, David Hilerio Santiago and Saul Feliciano's affidavits clearly demonstrate a willful violation of the Communications Act of 1934, as amended, 47 U.S.C. §605(e)(3)(C)(i)(II) and 47 U.S.C. §605(e)(3)(C)(ii), for the direct or indirect commercial benefit of the defendants.

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Accordingly, after careful consideration of the Motion for Default Judgment, the Affidavits in support, the Memorandum of Law in Support of Default Judgment and the entire Court record, it is hereby ORDERED AND ADJUDGED as follows:

1) this Court has personal jurisdiction over the parties and the subject matter herein;

2) the default entered against the defendants José Ocasio, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Ocasio d/b/a Los Primos Tire Center; Anastasio Martínez and Antonia Luciano, individually and in representation of the conjugal partnership between them d/b/a Colmado El Camino; and Francisco Cruz, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Cruz d/b/a Cafetería La Manía are hereby approved and ratified;

3) Default Judgment is hereby entered in favor of the plaintiff, Don King Productions, Inc., against José Ocasio, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Ocasio d/b/a Los Primos Tire Center; Anastasio Martínez and Antonia Luciano, individually and in representation of the conjugal partnership between them d/b/a Colmado El Camino; and Francisco Cruz, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Cruz d/b/a Cafetería La Manía and plaintiff shall recover the amount of \$49,830.00 as detailed below, together with statutory interest thereon from the date of this Default Judgment.

**1. As for defendants José Ocasio, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Ocasio d/b/a Los Primos Tire Center:**

a) Statutory damages pursuant to 47 U.S.C. §605(e)(3)(C)(i)(II) and (ii), as a result of defendants committing such acts willfully and for direct or indirect commercial advantage in the amount of \$15,000.00;

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b) Attorney's fees in the amount of \$1,400.00 and costs in the amount of \$210.00, for a total attorney's fees and costs of \$1,610.00.

**2. As for defendants Anastasio Martínez and Antonia Luciano, individually and in representation of the conjugal partnership between them d/b/a Colmado El Camino:**

a) Statutory damages pursuant to 47 U.S.C. §605(e)(3)(C)(i)(II) and (ii), as a result of defendants committing such acts willfully and for direct or indirect commercial advantage in the amount of \$15,000.00;

b) Attorney's fees in the amount of \$1,400.00 and costs in the amount of \$210.00, for a total attorney's fees and costs of \$1,610.00.

**3. As for defendants Francisco Cruz, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Cruz d/b/a Cafetería La Manía:**

a) Statutory damages pursuant to 47 U.S.C. §605(e)(3)(C)(i)(II) and (ii), as a result of defendants committing such acts willfully and for direct or indirect commercial advantage in the amount of \$15,000.00;

b) Attorney's fees in the amount of \$1,400.00 and costs in the amount of \$210.00, for a total attorney's fees and costs of \$1,610.00.

SO ORDERED AND ADJUDGED.

At San Juan, Puerto Rico, on September 18, 2006.

S/CARMEN CONSUELO CEREZO  
United States District Judge